

House Bill 3557

Sponsored by Representative SCHAUFLER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies statutory references by substituting official titles of Water Resources Director and Water Resources Department.

A BILL FOR AN ACT

1
2 Relating to water; amending ORS 537.132.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 537.132 is amended to read:

5 537.132. (1) The provisions of ORS 537.130 requiring application for a permit to appropriate
6 water shall not apply to the use of reclaimed water, if:

7 (a) The use of reclaimed water is authorized by the national pollutant discharge elimination
8 system or water pollution control facilities permit issued pursuant to ORS 468B.050 or 468B.053;

9 (b) The Department of Environmental Quality, in reviewing an application for a permit pursuant
10 to ORS 468B.050 or 468B.053, has consulted with the State Department of Fish and Wildlife on the
11 impact to fish and wildlife to determine that the application of reclaimed water under ORS 537.130,
12 537.131, 537.132, 540.510 and 540.610 shall not have a significant negative impact on fish and wildlife;
13 and

14 (c) The Department of Environmental Quality has determined the use of reclaimed water is in-
15 tended to improve the water quality of the receiving stream.

16 (2) Any person using or intending to use reclaimed water shall file with the Water Resources
17 Department a reclaimed water registration form setting forth the following:

18 (a) Name and mailing address of the registrant;

19 (b) The date the use of reclaimed water is initiated;

20 (c) Source of reclaimed water supply, including a description of the location of the reclaimed
21 water treatment facility and the name and mailing address of the owner and operator of the facility;

22 (d) Nature of the use of the reclaimed water;

23 (e) Amount of reclaimed water used or proposed to be used;

24 (f) Location and description of the ditch, canal, pipeline or any other conduction facility used
25 or to be used to transport the reclaimed water from the treatment facility to the place of use;

26 (g) A statement declaring the existence of a written contract or agreement to provide reclaimed
27 water including the name and address of the reclaimed water provider and the date and terms of
28 such contract or agreement;

29 (h) A description of the season of use and the place of use of the reclaimed water, and any re-
30 strictions applicable to the use of the reclaimed water; and

31 (i) If the reclaimed water is used in lieu of using water under an existing water right, the ap-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 plication, permit and certificate number of such right, or if the right is granted pursuant to a decree
2 of circuit court, the volume and page number setting forth the right.

3 (3) If a municipality has discharged waste water into a natural watercourse for five or more
4 years, and the discharge represents more than 50 percent of the total average flow of the natural
5 watercourse and if such discharge would cease as a result of the use of reclaimed water in accord-
6 ance with the provisions of ORS 540.510 (3) and this section, the [*director of the department*] **Water**
7 **Resources Director** shall notify any persons who, according to the **Water Resources** Department
8 records, have a water right that may be affected by the cessation of the discharge by the munici-
9 pality.

10 (4) If a person holding an affected water right demonstrates to the department that the cessation
11 of discharge by the municipality substantially impairs the ability to satisfy a water right, the person
12 shall be entitled to a preference to the use of the reclaimed water. However, the delivery of the
13 reclaimed water to the person claiming such preference shall be accomplished through a conveyance
14 facility or channel other than a natural watercourse.

15 (5) If a municipality has a less expensive alternative for the disposal and distribution of the re-
16 claimed water, the municipality shall not be obligated to incur expenses or cost beyond the expenses
17 or costs of such alternative.

18 (6) The Water Resources Commission shall adopt rules to implement the notice and preference
19 provisions and impairment evaluation standards of this section.

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